

## **Probate Notes for June 17, 2009**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

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**CASE: In the Matter of the Bill S. Chandler and Allene Chandler 2004 Revocable Trust**  
**Case No. CV P2 09-87**

It is recommended to grant the petition to confirm certain assets as trust property. Petitioner should submit a proposed order.

**CASE: In the Matter of the Jacqueline Yvonne Nycum Trust Dated May 7, 2007**  
**Case No. CV P2 08-193**

It is recommended to grant the petition by trustee of inter vivos trust to establish claim of ownership over trust property. Petitioner should submit a proposed order.

**CASE: In re the Rubald Family Living Trust**  
**Case No. CV PB 09-90**

It is recommended to grant the unopposed petition for order determining account as trust property.

**CASE: In re the Matter of Gail C. Hartnett**  
**Case No. CV P2 09-75**

The following are noted:

- (1) The petitioner has not provided a declaration under penalty of perjury which satisfies the requirement in Probate Code section 13101, subdivision (a)(9).
- (2) There is no proof of service showing that the affidavit/declaration required under Probate Code section 13101 has been presented to the holder of the property the petitioner claims an interest in.
- (3) The notice of hearing sent to Wayne Hartnett appears to have been sent to an incorrect address. Item 14 of the petition lists Mr. Hartnett's address as 11819 River View Court in Truckee. The Certificate of Death for Gail Hartnett lists the same address. The notice of hearing was sent to Mr. Hartnett at 11918 River View Court in Truckee. The Certificate of Death lists the following post office box address for Mr. Hartnett: P.O. Box 2423, Truckee, CA 96160. The notice of hearing was sent to Mr. Hartnett at P.O. Box 2423, Truckee, CA 86161.
- (4) The relief sought, as stated in Attachment 11 to the petition and the two versions of the petitioner's proposed order, is unclear. In Attachment 11 to the petition, the petitioner claims an interest in Gail Hartnett's checking (account no. 121000358-8008680483) and savings account. In one proposed order, the petitioner claims an

interest in 50% of a Bank of America savings account under Wayne Hartnett's name, and in a second proposed order, the petitioner claims an interest in 100% of Gail Hartnett's savings account, which was transferred into Wayne Hartnett's name. Neither proposed order mentions a checking account. The petitioner should clarify what she seeks and should more specifically describe the property interest she claims.

**CASE:           Estate of June C. Morse**  
**Case No. CV PB 09-97**

The following are noted:

- (1)     Proof of publication is required. (Prob. Code, § 8120.) If the petitioner contends that proof of publication is not required in this case, the petitioner should submit authority supporting this contention.
- (2)     Petitioner should submit a proposed order.

**CASE:           Estate of Euna Lee Thomas**  
**Case No. CV PB 09-100**

The following are noted:

- (1)     A typed copy of the will was not attached to the petition. (Prob. Code, § 8002, subd. (b)(1).)
- (2)     A proof of holographic instrument (Form DE-135) was not filed. (Prob. Code, §§ 8222 and 6111.)
- (3)     Petitioner should submit a proposed order.